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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,551	08/05/2003	Yoshifumi Noge	69806 CCD	6036
7590	05/26/2006		EXAMINER	
Christopher C. Dunham c/o Cooper & Dunham LLP 1185 Ave. of the Americas New York, NY 10036			HESS, BRUCE H	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,551	<b>Applicant(s)</b> NOGE ET AL.
	<b>Examiner</b> Bruce H. Hess	<b>Art Unit</b> 1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

## **Disposition of Claims**

4)  Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s)        is/are withdrawn from consideration.

5)  Claim(s)        is/are allowed.

6)  Claim(s) 1-7 is/are rejected.

7)  Claim(s)        is/are objected to.

8)  Claim(s)        are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Hakomori et al. (USP 5,631,076; see column 3, lines 19-24 and column 9, line 57) either alone or taken with the patent to Tokiyoski et al. (USP 5,508,108; see column 6, lines 52-54).

The primary reference teaches a receiving paper for thermal transfer recording comprising a sheet of paper having a resin (e.g., urethane) emulsion applied thereto. While application of adhesive to the back of an article in order to enable it to be subsequently adhered to some object would have been an obvious expedient to one of ordinary skill in this art in the absence of unexpected results, the secondary reference clearly teaches that adhesive is conventionally employed on the back of thermal recording elements. Applicants' objective evidence is not dispositive of the issue of patentability since the degree of heating is not the only variable. In particular, the formulations employed in the Comparative Examples are different from the Representative formulations.

Claims 1-7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5 and 12 of U.S. Patent No. 7,034,856 in view of the patent to Hakomori et al.

The primary reference teaches a receiving cloth for thermal transfer recording. The cloth is coated on one side with a resin ink receiving layer and on the other with a tackifying layer. When these claims are read in light of the specification, one of ordinary skill in this art learns the advantages of coating the receiving resin as an emulsion. Hakomori et al. teach the equivalence of cloth and paper substrates in thermal transfer

receiving elements (see column 9, lines 57 and 59). Given this teaching of equivalence, it would have been obvious to one of ordinary skill in this art to substitute paper for the cloth taught by the primary reference.

A handwritten signature in black ink, appearing to read "Bruce Hess".

**BRUCE H. HESS**  
**PRIMARY EXAMINER**  
**GROUP 1300**